



U.S. Department of Justice

United States Attorney
Southern District of New York

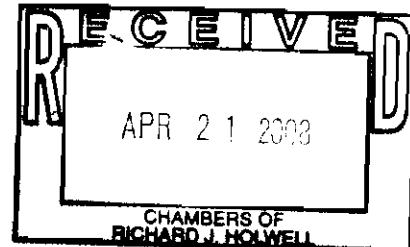
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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 18, 2008

BY HAND

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007



Re: *United States v. Darryl Joe,*
07 Cr 734 (RJH)

Dear Judge Holwell:

At a conference in this case on March 25, 2008, Your Honor further entertained a motion by defense counsel seeking a competency hearing regarding the defendant, as well as a request by the defendant to replace his present counsel. Your Honor asked the parties to attempt to agree upon a psychiatrist to examine the defendant, and scheduled a conference for today in order to determine the status of that examination and determine whether a hearing is required under Title 18, United States Code, Section 4241. The Court also reserved decision on the defendant's request for replacement counsel.

Although the Government and defense counsel have identified a mutually-agreeable psychiatrist – Dr. Lawrence Siegel – to examine the defendant, we did not agree upon the form of order allowing Dr. Siegel to examine the defendant until today. Accordingly, I have enclosed a copy of that order for Your Honor's review and, if Your Honor approves, endorsement. Dr. Siegel has told me that he will arrange to meet with and evaluate the defendant expeditiously once the Order is endorsed.

Unfortunately, I failed to order the defendant in a timely manner, and he therefore cannot be produced for the status conference today. I have spoken with Your Honor's courtroom deputy, who advised me that neither defense counsel nor I should appear today. Because, had we appeared, defense counsel and I would have asked for an adjournment in order to allow Dr. Siegel to be appointed and to examine and evaluate the defendant, we jointly request an adjournment of today's conference. I understand from Your Honor's courtroom deputy that Your Honor is available for both a conference and, if necessary, a hearing on May 22, 2008 at 10:30 am.

Hon. Richard J. Holwell
April 18, 2008
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Time is presently being excluded automatically under the Speedy Trial Act pursuant to Title 18, United States Code, Sections 3161(h)(1)(A) (delay resulting from the present proceedings to determine the mental competency of the defendant) and 3161(h)(1)(F) (delay resulting from the pretrial motions presently pending – the parties' *in limine* motions, the defendant's *pro se* motion to dismiss and the defendant's motion to replace counsel – that are not yet fully submitted and have not yet been heard). To the extent that time is not or will not be automatically excluded between today and the next conference in this matter, the Government respectfully requests that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(8)(A) in order to allow the parties to prepare effectively for trial and consider, research and make any additional pre-trial motions.

*This is a handwritten carbon
for Speedy Trial Act
from today to May 22, 2008
for the reasons stated above
and is the intent of
justice & orderliness*

By:

Very truly yours,

MICHAEL J. GARCIA
United States Attorney


Michael D. Maiman
Assistant United States Attorney
Southern District of New York
(212) 637-2238

Enclosure

cc: Roland Thau, Esq.

*Q.D.M.
vsuj
4/18/08*